



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Central Regional Office, 627 Main Street, Worcester, MA 01608

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2/1/02

JANE SWIFT
Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

JAN 23 2002

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Arcade Realty Trust
1 Main Street
Whitinsville, MA 01588

Re: CRWSC - Northbridge
ATF-Davidson
1 Main Street

Attention: Leonard Jolles,
Property Manager

RTN 2-00111

**NOTICE OF AUDIT FINDINGS
NOTICE OF NONCOMPLIANCE
INTERIM DEADLINE**

Dear Mr. Jolles,

On December 5, 2001, Arcade Realty Trust (hereafter referred to as you/your) was notified that the Massachusetts Department of Environmental Protection (the Department) had begun to audit response actions conducted to address the release of hazardous material at the location identified above. In particular, the audit focused on the tier classification at this site. This notice informs you of the results of the Department's audit.

DETERMINATION

As a result of the audit, the Department has determined that response actions were not performed in compliance with the requirements of the Massachusetts Contingency Plan (MCP). Violations were identified that require additional actions to be taken under the supervision of a Licensed Site Professional (LSP) in order to come into compliance with the MCP. The Audit Memorandum (attached) describes the activities Department personnel performed during the audit and summarizes relevant site information. A Notice of Noncompliance (attached) lists the identified violation(s) that require further action at this time.

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

<http://www.state.ma.us/dep> • Phone (508) 792-7650 • Fax (508) 792-7621 • TDD # (508) 767-2788

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The activities that are in noncompliance and the actions the Department wants you to take to come into compliance are described in the Notice of Noncompliance. The Notice of Noncompliance describes: (1) each activity identified during the audit which is in noncompliance, (2) the requirements violated, (3) the action the Department now wants you to take, and (4) the deadline for taking this action. An administrative penalty may be assessed for every day from now on that you are in noncompliance.

Additionally, the Department has determined that a violation of applicable requirements of the Massachusetts Contingency Plan (MCP) occurred, but do not warrant correction. Therefore, no additional actions are necessary for this violation at this time (see "Violations were identified that do not require further action"). The Audit Memorandum (attached) describes the activities Department personnel performed during the audit, summarizes relevant site information, and lists the violations that do not need further correction.

Although the Department is not requiring additional actions to address the violation identified in the Audit Memorandum, the Department may include this violation to establish a pattern of noncompliance if future enforcement actions are pursued.

A written Audit Follow-up Plan must be submitted to the Department in accordance with 310 CMR 40.1160. The Audit Follow-up Plan must set forth how and when you propose to confirm, demonstrate or achieve compliance with M.G.L. c.21E, the MCP and any other applicable requirements. To avoid enforcement actions, you must submit the Audit Follow-up Plan by no later than **March 1, 2002** including the form established by the Department (BWSC Transmittal Form 111, attached) for said purpose.

Pursuant to 310 CMR 40.1160(4), the Department has ninety (90) days to approve the plan. In approving the Audit Follow-up Plan, the Department may: (a) establish conditions, including but not limited to conditions setting forth the Department's role in overseeing elements of the Plan; (b) establish Interim Deadlines; (c) establish requirements for documentation and/or submittal information; and (d) take any other actions authorized by M.G.L. c. 21E, 310 CMR 40.0000, or any other applicable law. If you do not receive written approval from the Department within ninety (90) days of receipt of your plan, your plan is considered approved and you should proceed to implement the plan as proposed.

This deadline is hereby established as an Interim Deadline pursuant to the Department's authority under M.G.L. Chapter 21E, Section 3(j) and 310 CMR 40.0167.

LICENSED SITE PROFESSIONAL

A copy of this notice has been sent to Neal Drawas, LSP#9844, the LSP-of-Record for the Disposal site.

LIMITATIONS

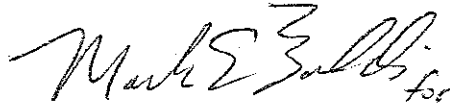
The Department's findings were based upon the certainty of the information reviewed during the audit. These findings do not: (1) apply to actions or other aspects of the site that were not reviewed in the audit, (2) preclude future audits of past, current, or future actions at the site, (3) in any way constitute a release from any liability, obligation, action or penalty under M.G.L. c. 21E, 310 CMR 40.0000, or any other law, regulation, or requirement, or (4) limit the Department's authority to take or arrange, or to require any Responsible Party or Potentially Responsible Party to perform, any response action authorized by M.G.L. c. 21E which the Department deems necessary to protect health, safety, public welfare, or the environment.

If you have any questions regarding this Notice or any requirements contained in it, please contact Greg Root at 508-849-4017. Please reference the Release Tracking Number 2-0111 in any future correspondence to the Department regarding the site.

Very truly yours,

JAN 23 2002

Date: _____



Mary Gardner
Section Chief
Audits/Site Management
Bureau of Waste Site Cleanup

0111- noaf

Attachments:

Audit Memorandum

Audit Follow-up Plan Transmittal Form & Post-Audit Completion Statement (BWSC-111)

Notice of Noncompliance

cc :(w/o Attachments):

Town of Northbridge, Board of Selectmen

Town of Northbridge, Board of Health

Neal Drawas, Kroll Associates, Inc., 900 Third Avenue, New York, NY 10022

Thomas M. Potter, Audit Coordinator, DEP-Boston

Nancy Smith, USEPA

Data Entry: [RAO/ACTAUD AUDCO/INTLET AUDCO/NAFNON PHASE I
ACTAUD]

AUDIT MEMORANDUM

I. AUDIT ACTIVITIES

The audit consists of the following activities:

- An examination of documents within the Department's records or in other public records.
- A Notice of Audit dated December 5, 2001.
- A Site Inspection on December 14, 2001.

II. SITE SUMMARY

The 27-acre site is currently leased for light industrial, warehousing and distribution uses. The Mumford River is adjacent to the site. The number of workers on the site is unknown. The nearest residence is approximately 100 feet from the site. No schools or day care facilities are located within 200 feet of the site. Potential source areas include: foundry sand in an unlined landfill that was reported to include 90% foundry sand, 5% coal ash, 5% paint, plating sludge, plating rinsewaters, bromide salt baths, solvents and cutting oils; sediment in the Mumford River contaminated with electroplating waste (maximum 410 mg/kg chromium).

Chronology

April 30, 1985	Notification of release to Department
April 30, 1985	NOR issued
October 15, 1987	Listed as a Location to be Investigated
March 12, 1997	Submittal of Phase I – Limited Site Investigation
March 12, 1997	Submittal of Tier II site classification
April 7, 1997	Submittal of LSP Evaluation Opinion
December 18, 1998	Class B-1 RAO was filed for the ATF-Davidson property

A subsurface investigation was conducted from October 1996 through January 1997 for the Phase I investigation, which included sampling of soil, sediment and groundwater media, but not surface water. Assessment activities beyond Phase I included sampling two monitoring wells in May 1998. Five monitoring wells located on-site were sampled and analyzed in August 1998 for barium and volatile organic compounds. The five wells sampled included resampling of two monitoring wells tested in May 1998. Seven geoprobe wells were advanced on January 17, 1997 and soil and groundwater samples were collected.

The 1997 geoprobe wells included one well (GP-6) where 74 ug/L of vinyl chloride were discovered in groundwater. Vinyl chloride was also discovered in groundwater from monitoring wells M-6 and M-8 at levels of 17.8 ug/L and 62.5 ug/L, respectively in October 1996. Soil from GP-6 included 25 ug/g (units unclear) vinyl chloride. A concentration of 290 ug/g acetone was present in soil from GP-2 and 200 ug/g (units unclear) acetone in soil from well GP-5.

Soil at the site consists of black foundry sand, native sand, fine gravel, cobbles and boulders with little silt. Groundwater flows south toward the Mumford River. Flow rate is approximately 23 feet per year. Bedrock was discovered to exist approximately 15 feet below grade. Groundwater is present at approximately 5 feet below grade.

No remediation has been conducted at the site and a Class B-1 RAO was submitted.

III. DOCUMENTS AUDITED

"Phase I Initial Site Investigation", March 1997, prepared by Neal Drawas, LSP No. 9844, Kroll Associates, Inc.

"Response Action Outcome (RAO) Statement", December 1998, prepared by Neal Drawas, LSP No. 9844, Kroll Associates, Inc.

"Tier Classification", March 1997, prepared by Neal Drawas, LSP No. 9844, Kroll Associates, Inc.

III (a). Risk Characterization

The RAO statement indicates that Method 1 cleanup standards were used to evaluate contamination levels at the site, the report indicates that a Method 1 risk characterization was utilized to determine No Significant risk, however, the Department has determined that several elements of a risk characterization were not included. No exposure points were identified, no exposure point concentrations were listed, there was no characterization of the oil and hazardous materials, per 310 CMR 40.0904(2), and the extent of the release was not defined. Maximum concentrations of contaminants in groundwater are: tetrachloroethylene 18 ug/L, trichloroethylene 3 ug/L, dichloroethylene 90 ug/L, vinyl chloride 82 ug/L, barium 4,700 ug/L. Maximum concentrations in soil are as follows, however, units were not specified in the table contained in the Phase I report: acetone 290 (possibly ug/kg), vinyl chloride (25 possibly ug/kg).

Soil and groundwater categories listed in the RAO are S-2 and GW-3. Groundwater exists at approximately five feet below grade across the site, therefore, GW-2 applies.

III. SITE INSPECTION

On December, 14, 2001, Mr. Greg Root of the Department met on-site with Mr. Neal Drawas, LSP of Record for the site from Kroll Associates, Inc. The site itself was observed, but no groundwater was collected for observation. Soil consists largely of coal-fired furnace waste and slag from smelting operations. Surface water in the Mumford River was observed to be free of oily sheens, other visible contamination and odors. No interior areas were observed, since sources of contamination have been determined to be outside disposal of wastes.

IV. DETERMINATIONS

On the basis of the activities performed during the audit and in reliance upon the accuracy of that information, the Department makes the following Determination.

A. Violations were identified that require further action

Please refer to the Notice of Noncompliance (attached) relative to the activities in noncompliance and the actions the Department wants you to take to come into compliance.

B. Violations were identified that do not require further action

Additionally, another violation was determined for which no further steps are necessary. Although the Department is not requiring additional actions to address the violation identified above, the Department may use this violation to establish a pattern of noncompliance when pursuing future enforcement actions.

Violation of 310 CMR 40.0620(3)(a) and 40.0620(6) (Class II) – Submittal of LSP Evaluation Opinion and Tier Classification by Transition Deadline

The Transition Deadline for the site was August 2, 1995. A Tier Classification and an LSP Evaluation Opinion were submitted on March 12 and April 7, 1997, respectively.